

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

RUPAN CHAKMA, SULOY TRIPORA, TAPAN KANTI
TANCHANGYA, TIYANIT KAEWPAN, and PRAMITA
CHAKMA, on behalf of themselves and others similarly
situated,

Plaintiffs,

- against -

SUSHI KATSUEI, INC. d/b/a SUSHI KATSUEI PARK
SLOPE, ROYAL KATSUEI, INC. d/ba SUSHI KATSUEI
WEST VILLAGE, AYE AYE SWE, and AUNG KO WIN,

Defendants.

Case No. 1:23-cv-07804-KPF

**DECLARATION OF AYE-
AYE SWE IN OPPOSITION
TO PLAINTIFFS' MOTION
FOR CONDITIONAL
CERTIFICATION OF CLASS**

I, Aye-Aye Swe, under penalty of perjury, affirm as follows:

1. My name Aye-Aye Swe, and I am a Defendant in the above-captioned case.
2. I am a resident of the County of Kings, New York.
3. I incorporated ROYAL KATSUEI, INC. d/b/a SUSHI KATSUEI WEST VILLAGE ("Royal Katsuei" or "RK") on or around November 23, 2016 to operate the company as an omakase restaurant at 357 6th Avenue, New York NY 10014.
4. In early 2017, Royal Katsuei began its operation as an omakase restaurant, and I have been working as the sole shareholder, operator, and manager at the restaurant. Since then, I make all the operational and managerial decisions, including but not limited to, hiring and hiring, setting the staff members' rates of pay and work schedules at Royal Katsuei.
5. Royal Katsuei serves the restaurant patrons from Monday through Saturday from 2:00 pm until 10:00 pm. Royal Katsuei is closed on Sundays.
6. Mr. Aung Ko Win ("Mr. Win" or "my husband") is my husband and operates an omakase restaurant, similar to Royal Katsuei, in Brooklyn, New York.

7. Upon information and belief, my husband began operating his omakase restaurant under the name of Sushi Katsuei since in or around 2013.

8. Although Mr. Win is my family member and has years of experience operating a restaurant, I did not let him get involved in any part of my Royal Katsuei's business operations.

9. I am the only one who decide whether to hire and/or fire Royal Katsuei's staff members, including servers, hosts, kitchen workers, sushi chefs who serve customers at the sushi bar, and a consultant.

10. Since Royal Katsuei started its operation, I have been managing and supervising the restaurant's staff members.

11. To the best of my knowledge, Royal Katsuei hired Mr. Win as an independently contracted consultant when the restaurant was eager to improve the quality of the food to better serve the customers.

12. Upon information and belief, since my husband had more time to stay at home around time that our baby was born (and or about to be born), he decided to help Royal Katsuei by providing his "consultant" service as the restaurant requires and as long as his time permits.

13. At Royal Katsuei, Mr. Win provided his service as a "consultant" and helped me with easing the restaurant's staffing issues when Royal Katsuei experienced a shortage of sushi chefs.

14. However, Mr. Win did not and was not able to get involved in my Royal Katsuei's business operation in any way.

15. At Royal Katsuei, I set the servers' work schedules on behalf of RK.

16. I set the servers rate of pay at Royal Katsuei on behalf of RK.

17. When I determine Royal Katsuei's servers' hourly rate, I consider the individual(s)' experience, knowledge, and skills for serving customers.

18. Royal Katsuei generally set an exceptionally qualified server's hourly rate higher than other servers who performed their work just ok to a "mediocre level." For instance, Thitima Ananta worked as a server at Royal Katsuei. Due to her exceptional multitasking skills, Royal Katsuei set her hourly rate in the amount of \$16.00 per hour and paid her accordingly in 2021. For another instance, Royal Katsuei set one of the other talented servers, Ms. Phyu, Ei Ei,'s hourly rates higher than other servers and paid her at least \$15.00 per hour in 2018; and increased her hourly rate to \$23.00 per hour in 2020; and continued to pay her at least \$18.00 per hour in 2021.

19. None of the named-Plaintiffs worked at Royal Katsuei since RK began its operation.

20. I recognize some of the Plaintiffs' names as I might have heard their names while I was visiting my husband at Sushi Katsuei when I went to Brooklyn. Perhaps, I might have spoken with some of the named-Plaintiffs' and had a causal talk and/or small chat while I was waiting for my husband to take off.

21. However, I did not supervise, nor did I manage any of the Sushi Katsuei's restaurant workers, including any of the five named-Plaintiffs in this action.

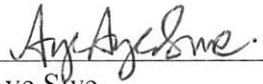
22. I did not hire and/or fire any of the Plaintiffs nor did I set any of Sushi Katsuei's former and current staff members' work schedules.

23. I have nothing to do with Sushi Katsuei and its servers.

24. I do not even know and/or understand why the five individuals reflected as Plaintiffs in this action filed their claims against me and my restaurant.

25. I, Aye-Aye Swe, affirm under the penalty of perjury, that the above statements are true and correct.

Dated: August 29, 2024
Flushing, New York



Aye-Aye Swe